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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,827	11/19/2003	Bernard J. Hrytzak	2002P18971US01	3643
9629	7590	01/26/2006	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP			OMGBA, ESSAMA	
1111 PENNSYLVANIA AVENUE NW			ART UNIT	
WASHINGTON, DC 20004			PAPER NUMBER	

3726

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/715,827	HRYTZAK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Essama Omgba	3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 10-12 and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 is/are allowed.
- 6) ☒ Claim(s) 11, 12 and 14 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 10 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The limitation of claim 10 is recited in claim 7 from which claim 10 depends..
2. Claims 11, 12 and 14 are objected to because of the following informalities: in claim 11, line 8, --the-- should be inserted before "annular ridge". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 11, 12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Kirrish et al. (US Patent 4,204,566).

With regards to claims 11 and 14, Kirrish et al. discloses a method of releasably retaining along a longitudinal axis a helical compression spring 28 with respect to a threaded fastener 12 (col. 1, lines 6-8), the helical compression spring including generally closed first and second ends that are generally parallel to one another and

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including a portion of a coil having a pitch along the longitudinal axis and coupling the first and second ends, and the first end having an inside diameter (col. 2, lines 57-68, column 3, lines 1-4 and figure 3), the threaded fastener including a threaded section 20 (col. 2, lines 29-31), a head 16 (col. 2, lines 23-26) and a shank 18 coupling the threaded section and the head (col. 2, lines 26-29), the threaded section and the shank portion having outside diameters less than the inside diameter (col. 2, lines 32-35 and 61-65), the retainer comprising an annular ridge 28 projecting from the shank (col. 2, lines 36-41), the annular ridge including a first lateral surface 31 generally confronting the head, a second lateral surface 30 generally facing the threaded section, and a crest spaced along the longitudinal axis between the first and second lateral surfaces, the crest defining a maximum ridge diameter greater than the inside diameter of the closed first end (col. 2, lines 41-51 and figure 3), the method comprising moving substantially without interference away from the threaded section the first end over the first lateral surface (since the outside diameter of the threaded section is less than the inside diameter), snapping the first end over the crest and moving substantially without interference toward the head the first end over the second lateral surface and a portion of the shank ( col. 3, lines 5-18 and since the outside diameter of the shank is less than the inside diameter). Applicant should note that it is inherent that to remove the spring from the retainer, the sequence of placing it on the retainer would be reversed.

For claim 12, see column 3, lines 11-15.

***Allowable Subject Matter***

5. Claims 1-7 are allowed.

***Response to Arguments***

6. Applicant's arguments filed November 7, 2005, as they relate to claims 11, 12 and 14 have been fully considered but they are not persuasive.

The claimed features of "snapping the first end over the crest in a first longitudinal direction" and "snapping the first end over the crest in a second longitudinal direction opposite to the first longitudinal direction" do not patentably define over the reference to Kirrish et al. As outlined in the rejections, it is inherent that the sequence of installing the spring over the retainer would have to be reversed if the spring is to be removed from the retainer. The spring in the reference to Kirrish et al. is releasably retained over the retainer so it could be removed from the retainer if need be.

In view of the above remarks, the examiner maintains that claims 11, 12 and 14 are anticipated by Kirrish et al.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Essama Omgba whose telephone number is (571) 272-4532. The examiner can normally be reached on M-F 9-6:30, 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Jimenez can be reached on (571) 272-4530. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'Essama Omgba', written in a cursive style.

Essama Omgba  
Primary Examiner  
Art Unit 3726

eo

January 23, 2006